

JUDGE FRANKLIN D. BURGESS

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

UNITED STATES OF AMERICA,)	NO. CR05-5469FDB
)	
Plaintiff,)	
)	ORDER GRANTING STIPULATED
vs.)	MOTION TO CONTINUE TRIAL
)	DATE
KAMSATH NOY BUTH,)	
)	
Defendant.)	
_____)	

Based on the stipulated motion of the parties to continue the trial date, and the affidavit of defense counsel in support of the motion, the Court makes the following findings of fact and conclusions of law:

1. The ends of justice served by granting this continuance outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. § 3161(h)(8)(A).
2. Proceeding to trial absent adequate time for the defense to prepare would result in a miscarriage of justice. 18 U.S.C. §3161(h)(8)(B)(I).
3. The defense needs additional time to obtain medical records and evaluations in order to explore issues of some complexity, including all relevant issues and defenses applicable to the case, which would make it unreasonable to expect adequate preparation for pretrial proceedings or for trial itself within the time limits established by the Speedy Trial Act and currently set for this case. 18 U.S.C. § 3161(h)(8)(B(ii)).

1 4. Taking into account the exercise of due diligence, a continuance is necessary
2 to allow the defendant the reasonable time for effective preparation his defense. 18
3 U.S.C. § 3161(h)(8)(B)(iv).

4 NOW, THEREFORE,

5 IT IS HEREBY ORDERED that the trial date is continued from November 14,
6 2005 to January 17, 2006, at 9:00 am. The resulting period of delay from November 14,
7 2005, up to and including the new trial date of January 17, 2006, is hereby excluded for
8 speedy trial purposes under 18 U.S.C. § 3161(h)(8)(A) and (B).

9 Pre-trial motions are due no later than November 23, 2005.

10 DONE this 26th day of October, 2005.

11
12 /s/ Franklin D Burgess
13 JUDGE FRANKLIN D. BURGESS
UNITED STATES DISTRICT JUDGE

14 Presented By:

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16
17 /s/ Colin A. Fieman
18 Colin A. Fieman
Attorney for Defendant

/s/ Kent Y. Liu
Kent Y. Liu
Assistant United States Attorney